

Exhibit A

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

JANE ROE,

Plaintiff,

v.

Civil Action No. 3:22-CV-00532

**MARSHALL UNIVERSITY
BOARD OF GOVERNORS,**

Defendant.

AFFIDAVIT OF CADYN FRALEY

I, Cadyn Fraley, being duly sworn, and being of sound mind, on oath depose and voluntarily state and warrant under penalty of perjury as follows:

1. My name is Cadyn Fraley. I am an adult over the age of twenty-one and declare that I have personal knowledge of the facts stated herein and that they are true and correct.

2. I am the Case Manager in the Office of Student Conduct at Marshall University.

3. In my role as Case Manager, I often work with Advocate, one of the university's document systems.

4. The university's current document retention policy for most Student Conduct and Title IX matters is seven (7) years.

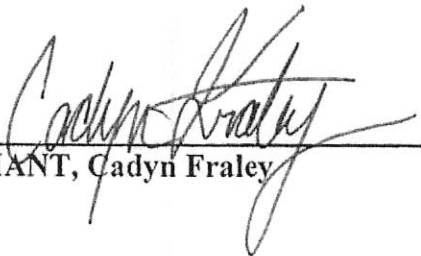
5. Further, the Title IX office has only recently (within the past several years) began processing all new matters into the Advocate electronic system as they are received by the university.

6. The university has been in the process of imputing prior matters stored in paper files into the Advocate electronic system on an ongoing basis.

7. Accordingly, there is a backlog of prior matters to be added to the Advocate system that represent time periods when the Advocate system was not fully utilized by all licensed users at the university.

8. Based upon my review, I estimate that there is a backlog of approximately five hundred (500) unindexed Student Conduct matters that would have to be manually and individually reviewed to determine if they meet the scope of the records sought by opposing counsel in this case. These matters would then have to be reviewed for FERPA-related issues prior to any production.

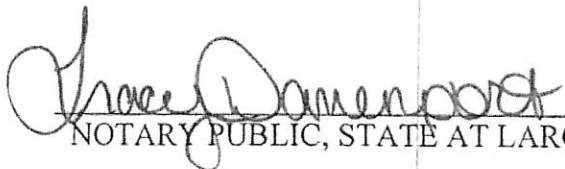
9. Further the affiant saith naught.


AFFIANT, Cadyn Fraley

STATE OF WEST VIRGINIA,
COUNTY OF CABELL.

Subscribed and sworn to before me by Cadyn Fraley on this the 5th day of January 2024.

My Commission Expires: August 30, 2028


NOTARY PUBLIC, STATE AT LARGE

